

**Region 8 Congressional and Intergovernmental Weekly Report**  
*For the Week Ending January 20, 2017*

**1. Hearings/Meetings/Notifications/Roll Outs:**

**1/12:** Following a process outlined in the Clean Air Act and after careful review, the U.S. Environmental Protection Agency is denying most of the petitions for reconsideration and all of the petitions for administrative stay the agency received on the Clean Power Plan (CPP). Over the past year, EPA considered the variety of technical and legal issues that petitioners raised and has determined that the petitions failed to satisfy one or both of the legal conditions necessary to grant reconsideration. In total, EPA is denying 33 of the 38 petitions for reconsideration of the Clean Power Plan. These petitions covered a variety of topics, including whether adequate notice was given and the reasonableness of adopting the requirements of the CPP; the application of the best system of emissions reduction (BSER); and incorporation of the three building blocks to reduce emissions of carbon dioxide. EPA is deferring action on the issue of treatment of waste-to-energy and biomass raised in seven of the petitions. EPA is also denying all 22 petitions for administrative stay of the CPP. A Federal Register notice announcing the denials and a memorandum that provides a full explanation of the agency's rationale for each denial are available at <https://www.epa.gov/cleanpowerplan>.

**1/13:** EPA Administrator Gina McCarthy finalized her decision to maintain the current greenhouse gas (GHG) emissions standards for model years 2022-2025 cars and light trucks. The final determination finds that a wide variety of effective technologies are available to reduce GHG emissions from cars and light trucks, and that automakers are well positioned to meet the standards through model year 2025 at lower costs than predicted. For more information, please click here: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/midterm-evaluation-light-duty-vehicle-greenhouse-gas-ghg>

**1/17:** We notified the Colorado congressional delegation in D.C. and locally:

**U.S. Environmental Protection Agency announces continued operation of Interim Water Treatment Plant at Gladstone, Colorado**

**CONTACTS:** Cynthia Peterson, ([peterson.cynthia@epa.gov](mailto:peterson.cynthia@epa.gov)) 303-312-6879; and Rebecca Thomas, ([Thomas.Rebecca@epa.gov](mailto:Thomas.Rebecca@epa.gov)), 303-312-6552

On, January 17, 2017, the U.S. Environmental Protection Agency (EPA) announced its decision to continue operation of the Gold King Mine Interim Water Treatment Plant (IWTP) at Gladstone, Colo., while the Agency evaluates longer-term options to address water quality issues as part of the Bonita Peak Mining District Superfund site remedial action. The decision comes in the form of a Non-Time Critical Removal Action (NTCRA) Action Memo that transitions the IWTP operation from an emergency removal action to a NTCRA.

The Action Memo was signed after EPA reviewed and considered public comments provided on a previously released Engineering Evaluation and Cost Analysis (EE/CA). The EE/CA analyzed the effectiveness, implementability and cost of continuing to operate the IWTP.

The IWTP has treated discharge from the Gold King Mine since October 2015. As EPA

continues its remedial investigation, its remedial program will provide a comprehensive evaluation, not just of the IWTP, but of the various sources of mine-impacted water in the Cement Creek drainage. As EPA understands more about the hydrology of the area, and how various sources of contamination are affecting water quality, the Agency will consider any number of options, including potential expansion of the IWTP, to address the contamination.

The Action Memo can be found at <http://semspub.epa.gov/src/document/08/1834188>.

## **2. New or Outstanding Letters/Correspondence:**

### **New Correspondence:**

**1/17:** Senator Bennet's (CO) legislative aide contacted us for an update to the Inspector General's response to a letter from constituent Christine O'Connor. Christine requested a performance/compliance audit pertaining to the Vasquez/I-70 Superfund Site in Denver. I contacted Patrick Gilbride who said the letter was turned over to their office of program evaluation for consideration. Someone from that office will contact Christine (likely this week), and then discuss the request with Sandy Stavnes before making a decision on whether to take action. I relayed this information to the Senator's legislative aide.

### **Outstanding Requests:**

**10/3:** Sen. Hoven (ND) addressed a letter to the Administrator to promptly consider and approve the application for ND state primacy regulatory authority over class VI injection wells as established under section 1422 of the Safe Drinking Water Act.

**8/11:** Congressman Cramer (ND) addressed a letter to the Administrator on North Dakota's application for state primacy over the Class VI injection well activities. In the letter the Congressman asks what work has been completed, what work remains unfinished, why hasn't a decision been made, and when does EPA anticipate a decision being made?

## **3. Legislative Report**

### **1/19: *Floor Action***

- On January 13<sup>th</sup>, the House passed, by a vote of 227 to 198, the FY 2017 budget blueprint, **S Con Res 3**. This resolution passed the Senate last week. The blueprint includes reconciliation instructions setting in motion the repeal of the Affordable Care Act through the Budget Reconciliation process, and directs Congressional committees to prepare legislative changes by January 27<sup>th</sup>.
- On January 13<sup>th</sup>, the House agreed to, without objection, **H.Res.51 and H.Res.52**, electing Members to certain standing committees of the House of Representatives.
- On January 17<sup>th</sup>, the Senate, by unanimous consent, passed **H.R.39**, the "Tested Ability to Leverage Exceptional National Talent Act of 2017" or "TALENT Act of 2017," a bill to codify the Presidential Innovation Fellows Program. Since this bill passed the House last week, it will be enrolled and presented to the President for signature.

- On January 17<sup>th</sup>, the Senate, by unanimous consent, passed **H.R.72**, the “GAO Access and Oversight Act of 2017.” The bill would: expand GAO’s authority to access certain information from Federal agencies; broaden requirements for agency reports on GAO recommendations; and authorize GAO to bring civil actions to obtain agency records. Since this bill passed the House on January 4<sup>th</sup>, it will be enrolled and presented to the President for signature.

## **BILLS RECENTLY INTRODUCED**

### **Preparedness/ Emergency Response**

H.R.468

To amend the Oil Pollution Act of 1990 to impose penalties and provide for the recovery of removal costs and damages in connection with certain discharges of oil from foreign offshore units, and for other purposes.

Sponsor: Rep. Curbelo, Carlos [R-FL-26] (Introduced 01/12/2017) Cosponsors: (13)

Committees: House - Transportation and Infrastructure

Latest Action: 01/12/2017 Referred to the House Committee on Transportation and Infrastructure. [See S. 125]

S.125

A bill to amend the Oil Pollution Act of 1990 to impose penalties and provide for the recovery of removal costs and damages in connection with certain discharges of oil from foreign offshore units, and for other purposes.

Sponsor: Sen. Murkowski, Lisa [R-AK] (Introduced 01/12/2017) Cosponsors: (3)

Committees: Senate - Environment and Public Works

Latest Action: 01/12/2017 Read twice and referred to the Committee on Environment and Public Works. [See H.R. 468]

### **General Government/ Miscellaneous**

H.R.462

To amend title 5, United States Code, to include guidance documents in the congressional review process of agency rulemaking.

Sponsor: Rep. Lewis, Jason [R-MN-2] (Introduced 01/12/2017) Cosponsors: (0)

Committees: House - Judiciary

Latest Action: 01/12/2017 Referred to the House Committee on the Judiciary.

H.R.469

To impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof, and for other purposes.

Sponsor: Rep. Collins, Doug [R-GA-9] (Introduced 01/12/2017) Cosponsors: (16)

Committees: House - Judiciary

Latest Action: 01/12/2017 Referred to the House Committee on the Judiciary. [See S. 119]

H.R.481

To amend the National Environmental Policy Act of 1969 to authorize assignment to States of Federal agency environmental review responsibilities, and for other purposes.

Sponsor: Rep. Calvert, Ken [R-CA-42] (Introduced 01/12/2017) Cosponsors: (0)

Committees: House - Natural Resources

Latest Action: 01/12/2017 Referred to the House Committee on Natural Resources.

H.R.507

To require zero-based budgeting for departments and agencies of the Government.

Sponsor: Rep. Ross, Dennis A. [R-FL-15] (Introduced 01/12/2017) Cosponsors: (0)

Committees: House - Budget

Latest Action: 01/12/2017 Referred to the House Committee on the Budget.

H.R.547

To facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of a National Infrastructure Development Bank, and for other purposes.

Sponsor: Rep. DeLauro, Rosa L. [D-CT-3] (Introduced 01/13/2017) Cosponsors: (73)

Committees: House - Energy and Commerce, Transportation and Infrastructure, Financial Services, Ways and Means

Latest Action: 01/13/2017 Referred to House Ways and Means

H.R.559

To amend title 5, United States Code, to provide for an alternative removal for performance or misconduct for Federal employees.

Sponsor: Rep. Loudermilk, Barry [R-GA-11] (Introduced 01/13/2017) Cosponsors: (7)

Committees: House - Oversight and Government Reform

Latest Action: 01/13/2017 Referred to the House Committee on Oversight and Government Reform.

H.R.568

To amend the Ethics in Government Act of 1978 to require certain Federal officials to make requisite financial disclosures within 30 days of assuming office, and for other purposes.

Sponsor: Rep. Sanchez, Linda T. [D-CA-38] (Introduced 01/13/2017) Cosponsors: (2)

Committees: House - Oversight and Government Reform, House Administration

Latest Action: 01/13/2017 Referred to House Administration.

S.119

A bill to impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof, and for other purposes.

Sponsor: Sen. Grassley, Chuck [R-IA] (Introduced 01/12/2017) Cosponsors: (9)

Committees: Senate - Judiciary

Latest Action: 01/12/2017 Read twice and referred to the Committee on the Judiciary. [See H.R.469]

### **Radioactive Waste**

H.R.474

To amend the Nuclear Waste Policy Act of 1982 to authorize the Secretary of Energy to enter into contracts for the storage of certain high-level radioactive waste and spent nuclear fuel, take title to certain high-level radioactive waste and spent nuclear fuel, and make certain expenditures from the Nuclear Waste Fund.

Sponsor: Rep. Issa, Darrell E. [R-CA-49] (Introduced 01/12/2017) Cosponsors: (17)

Committees: House - Energy and Commerce

Latest Action: 01/12/2017 Referred to the House Committee on Energy and Commerce.

### **Water**

H.R.465

To amend the Federal Water Pollution Control Act to provide for an integrated planning and permitting process, and for other purposes.

Sponsor: Rep. Gibbs, Bob [R-OH-7] (Introduced 01/12/2017) Cosponsors: (1)

Committees: House - Transportation and Infrastructure

Latest Action: 01/12/2017 Referred to the House Committee on Transportation and Infrastructure.

H.R.519

To amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency.

Sponsor: Rep. Buck, Ken [R-CO-4] (Introduced 01/13/2017) Cosponsors: (4)

Committees: House - Ways and Means

Latest Action: 01/13/2017 Referred to the House Committee on Ways and Means.

S.Res.12

A resolution expressing the sense of the Senate that clean water is a national priority, and that the June 29, 2015, Waters of the United States Rule should be withdrawn or vacated.

Sponsor: Sen. Fischer, Deb [R-NE] (Introduced 01/12/2017) Cosponsors: (1)

Committees: Senate - Environment and Public Works

Latest Action: 01/12/2017 Referred to the Committee on Environment and Public Works.

#### **4. Congressionals, Other Elected Officials and EPA in the News:**

### **AGRICULTURE**

Kiowa County Press

Jan. 17, 2017

Senator Gardner Seeks Input from Colorado Farmers and Ranchers

<http://kiowacountypress.net/content/senator-gardner-seeks-input-colorado-farmers-and-ranchers>

### **WATER POLICY**

**Court revives Bush-era 'transfers' rule in surprise win for EPA**

Jeremy P. Jacobs, E&E News reporter

Published: Thursday, January 19, 2017

<http://www.eenews.net/stories/1060048637>

### **INTERIOR**

**Zinke says climate change is 'indisputable'**

Brittany Patterson, E&E News reporter  
Published: Wednesday, January 18, 2017  
<http://www.eenews.net/climatewire/2017/01/18/stories/1060048542>

## **POLITICS**

### **Study finds pro-public-lands voting bloc in Mountain West**

Nick Bowlin, E&E News reporter  
Published: Wednesday, January 18, 2017  
<http://www.eenews.net/eenewspm/2017/01/18/stories/1060048591>

## **PUBLIC LANDS**

### **Zinke touts balanced approach on resources, development**

Ellen M. Gilmer, E&E News reporter  
Published: Wednesday, January 18, 2017  
<http://www.eenews.net/energywire/stories/1060048543>

## **INTERIOR**

### **Zinke opens door to overturning national monument decisions**

E&E Daily: Wednesday, January 18, 2017  
<http://www.eenews.net/eedaily/stories/1060048527>

## **AIR POLLUTION**

### **In court, EPA defends analysis of mercury regs' benefits**

Sean Reilly, E&E News reporter  
Published: Thursday, January 19, 2017  
<http://www.eenews.net/greenwire/2017/01/19/stories/1060048661>

## **AIR POLLUTION**

### **EPA agrees to decision deadline for Utah plant**

Sean Reilly, E&E News reporter  
Published: Thursday, January 19, 2017  
<http://www.eenews.net/eenewspm/2017/01/19/stories/1060048667>